

BILL NO. G-97-10-12

GENERAL ORDINANCE NO. G-14-97

AN ORDINANCE for the purpose of  
vacating a dedicated utility easement.

WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne, Indiana,  
(as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne, Indiana;  
and

WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing and  
approved said petition, as provided in I.C. 36-7-3-12.

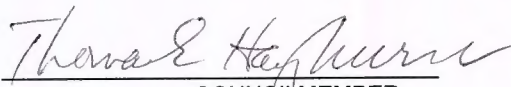
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of  
Fort Wayne, Indiana, more specifically described as follows, to-wit:

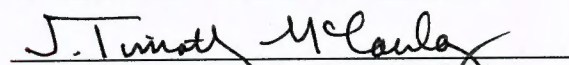
A 10 foot utility easement located between Lots 4 & 5 and to the rear of Lots 1,2, 3, 4, 6, 7, 8 and  
9 all in Usselman's Homestead Addition, Plat 16, Book 145.


and which vacating allows the dedicated utility easement to revert to the ownership of the adjacent property  
owners, is hereby approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and  
all necessary approval by the Mayor.

  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULEY, CITY ATTORNEY

  
Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Garnie,  
and duly adopted, read the second time by title and referred to the Committee on Legislation, (and the City Plan Commission for recommendation)  
and Public Hearing to be held after due legal notice, at the Common Council Conference  
Room 128, City-County Building, Fort Wayne, Indiana, on Tuesday,  
the 4th day of November, 19 97, at 5:30  
o'clock P. M., E.S.T.

DATED: 10-28-97

Read the third time in full and on motion by Ray Lunsch,  
and duly adopted, placed on its passage. PASSED  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY				<u>✓</u>
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 11-4-97

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,  
as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL) \_\_\_\_\_ (SPECIAL) \_\_\_\_\_

(ZONING) \_\_\_\_\_ ORDINANCE \_\_\_\_\_ RESOLUTION NO. G-14-97  
on the 4th day of November, 19 97

ATTEST: Sandra E. Kennedy SEAL Rebecca Perrine  
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the  
5th day of November, 19 97,  
at the hour of 10:30 o'clock AM, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 6th day  
of November, 19 97, at the hour of 1:45  
o'clock P. M., E.S.T.

PAUL HELMKE, MAYOR





# Vacation Petition

City Clerk / Room 122 City County Building / Fort Wayne, IN 46802 / (219) 427-1208

#642

I/We do hereby petition to vacate the following:

☒ Easement

☐ Public Right-of-Way (street or alley)

More particularly described as follows:

10 foot utility easement located between Lots 4 and 5 and to the rear of  
Lots 1, 2, 3, 4, 6, 7 and 8<sup>and 9</sup> all in Usselman's Homestead Addition, Plat  
Book 16, Page 145

(Please attach a legal description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

The reasons for the proposed vacation are as follows:

The easement is no longer in use, the Hobby House Restaurant was located over  
the easement before it was demolished; lots as platted are no longer in use  
for the purpose originally intended by the plat. The petitioner owns  
both sides of the easement.  
(If additional space is needed please attach a separate page)

The name and addresses of all adjacent property owners must also be provided by the applicant.

Property owner('s) name(s): A & C Realty Inc

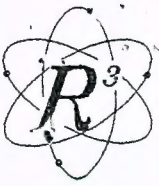
Street Address: 5733 Brighton Drive

City: Fort Wayne State: IN Zip: 46825 Phone:

Property owner('s) name(s): ~~NBD Bank~~

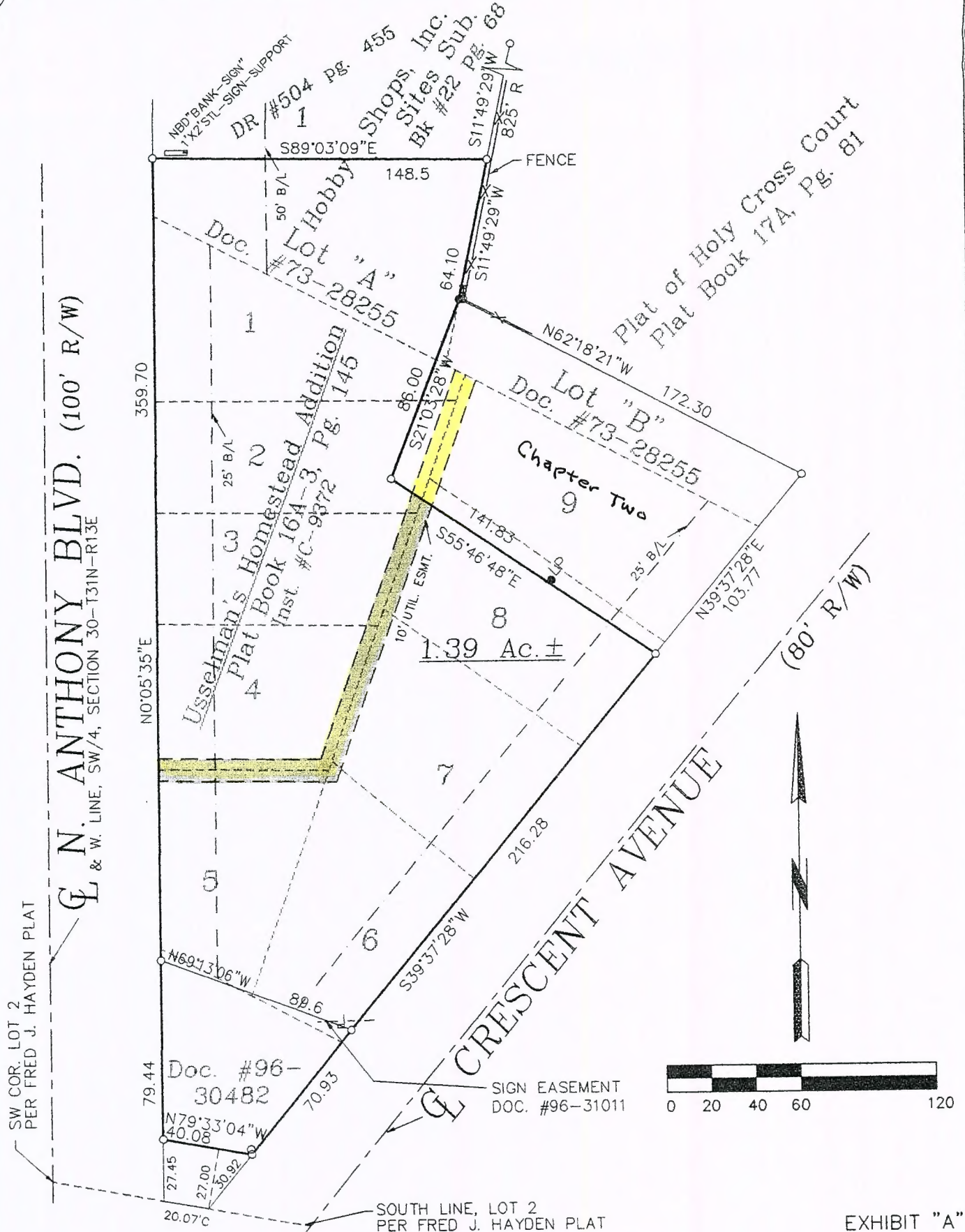




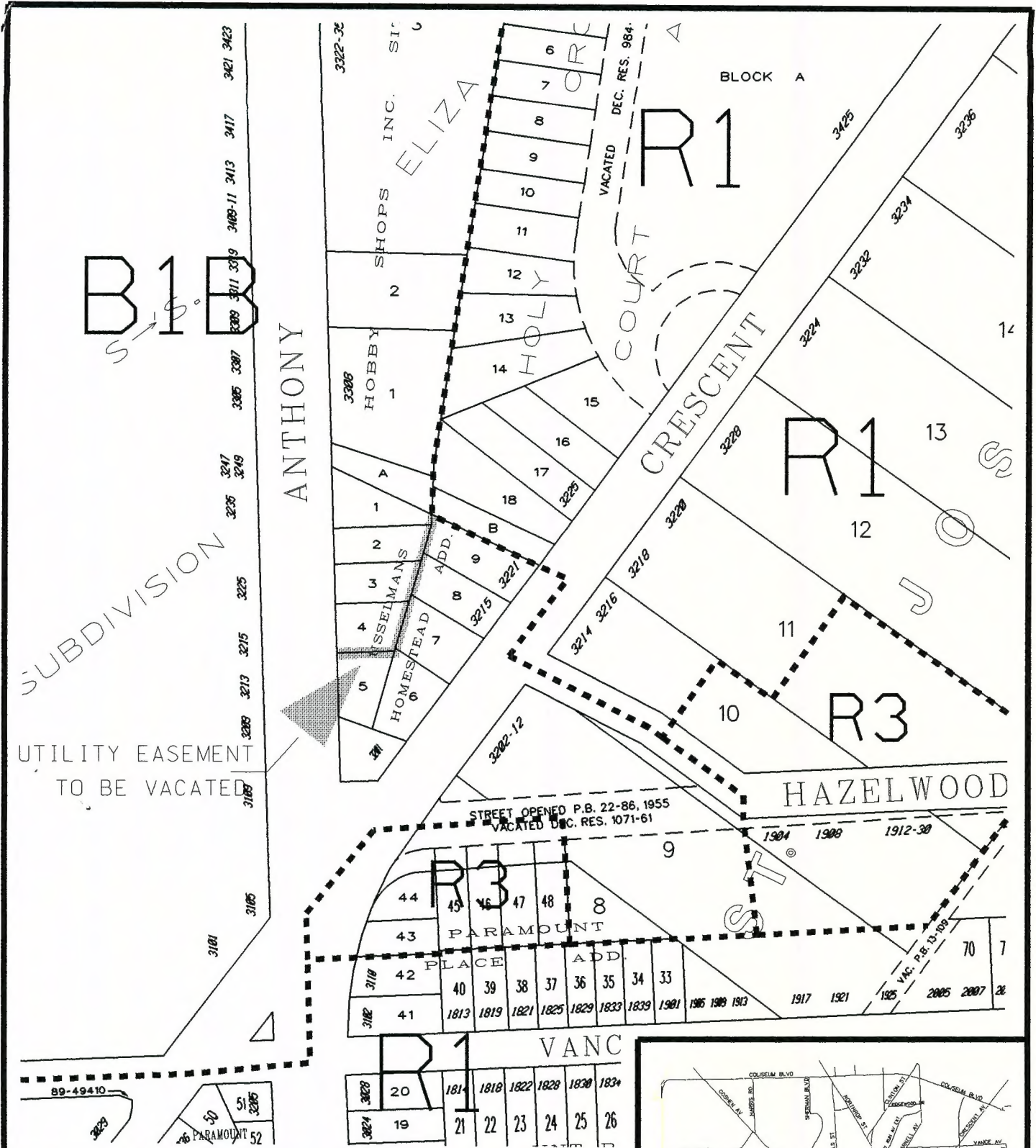


# RUSSELL ENGINEERING ASSOCIATES, INC.

KENNETH J. RUSSELL P.E. & R.L.S. JAMES L. RUSSELL P.E. & R.L.S.  
2527 SCOTSWOLDE DRIVE FORT WAYNE, INDIANA 46808 (219) 482-5300



# VACATION



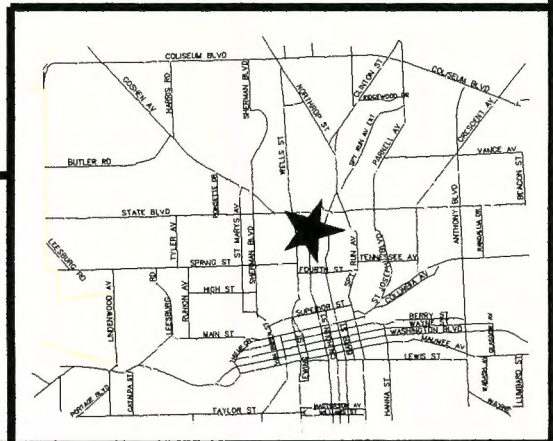
## VACATION PETITION

CASE NUMBER 642

COUNCIL DISTRICT 2

MAPS P-22

R 1 - ONE FAMILY RESIDENTIAL  
R 3 - MULITY-FAMILY RESIDENTIAL  
B 1 B - LIMITED BUSINESS





BILL NO. G-97-10-12

REPORT OF THE COMMITTEE ON REGULATIONS

REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXXX for the purpose of  
vacating a dedicated utility easement

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXXX UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXXX

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u>Thomas Hayhurst</u>	_____	_____	_____
<u>Martin D. Bunch</u>	_____	_____	_____
<u>Mike Miller</u>	_____	_____	_____
<u>Elaine Carver</u>	_____	_____	_____
<u>John A. Cripps</u>	_____	_____	_____
<u>Debbie Hill</u>	_____	_____	_____
<u>Clarence R. Edmonds</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: 11-4-97

Sandra E. Kennedy  
City Clerk

ORIGINAL

ORIGINAL

#642

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A 10 foot Utility Easement located

between Lots 4 & 5 and to the rear of Lots 1, 2, 3, 4, 6, 7, 8,

and 9 all in Usselman's Homestead Addition.

*Q-97-10-12.*

EFFECT OF PASSAGE Property is currently a dedicated utility

easement. Property will be vacated and revert to the ownership

and use of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility

easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221 • FAX 219-427-1371

SANDRA E. KENNEDY, CITY CLERK

October 22, 1997

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of October 25, 1997, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana

Bill No. G-97-10-12  
Utility Easement Vacation

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-97-10-12)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, NOVEMBER 4, 1997, AT 5:30 O'CLOCK P.M., E.S.T. IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

13

14

A 10 foot utility easement located between Lots 4 & 5 and to the rear of Lots 1,2, 3, 4, 6, 7, 8 and 9 all in Usselman's Homestead Addition, Plat 16, Book 145.

ALL INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY  
CITY CLERK





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221 • FAX 219-427-1371

SANDRA E. KENNEDY, CITY CLERK

October 22, 1997

A & C Realty Inc.  
5733 Brighton Drive  
Fort Wayne, IN 46825

Dear Sir:

We are sending you this letter to let you know that the City of Fort Wayne Common Council will hold a public hearing on Tuesday, November 4, 1997, at 5:30 P.M. Common Council will hold the public hearing in the Common Council Conference Room 128, of the City-County Building. Room 128 is located on the first floor the City-County Building, on the Calhoun Street side of the building. The following request will be on the agenda for the public hearing.

**PROPOSAL:** Utility Easement Vacation  
**APPLICANT:** Richard Clauss  
**REQUEST:** 10 foot utility easement located between Lots 4 and 5 and to the rear of Lots 1, 2, 3, 4, 6, 7, 8 and 9 all in Usselman's Homestead Addition  
**REASON:** The easement is no longer in use, Hobby House Restaurant was located over the easement before it was demolished; lots as platted are no longer in use for the purpose originally intended by the plat. the petitioner owns both sides of the easement  
**LOCATION:** 3308 N. Anthony Blvd.

We are sending you this notice because you own property which is adjacent to the property included in this vacation request. This public hearing is your opportunity to offer input on the request. If you have any questions about the public hearing, please call the City Clerk's office at 427-1208. If you any questions about the vacation request, please call the City Planning Department at 427-1129.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy  
City Clerk

P 304 164 525

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

PS Form 3800, April 1995

Sent to <b>A &amp; C Realty, Inc.</b>	
Street & Number <b>5733 Brighton Drive</b>	
Post Office, State, & ZIP Code <b>Fort Wayne, IN 46825</b>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date	

P 304 164 524

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

PS Form 3800, April 1995

Sent to <b>Chapter Two</b>	
Street & Number <b>3221 Crescent Avenue</b>	
Post Office, State, & ZIP Code <b>Fort Wayne, IN 46805</b>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date	

P 304 164 515

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

PS Form 3800, April 1995

Sent to <b>Richard Clauss</b>	
Street & Number <b>6813 Co. Rd. 327</b>	
Post Office, State, & ZIP Code <b>Garrett, IN 46738</b>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date	

P 304 164 522

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

PS Form 3800, April 1995

Sent to <b>James Russell, R.L.S.</b>	
Street & Number <b>2527 Scotswolde Drive</b>	
Post Office, State, & ZIP Code <b>Fort Wayne, IN 46808</b>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
<b>TOTAL Postage &amp; Fees</b>	<b>\$</b>
Postmark or Date	



**FORT WAYNE COMMON COUNCIL**  
(Governmental Unit)  
**ALLEN** County, Indiana

To: **The News-Sentinel** Dr.  
**P.O. Box 100**  
**Fort Wayne, IN**

**PUBLISHER'S CLAIM**

**LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)

-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

**COMPUTATION OF CHARGES**

30 lines, 1 columns wide equals 30 equivalent lines  
at .364 cents per line

\$ 10.92

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

**TOTAL AMOUNT OF CLAIM**

\$ 10.92

**DATA FOR COMPUTING COST**

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Julie L Smith*  
Clerk

Date: OCT 25, 19 97

Title: \_\_\_\_\_

**PUBLISHER'S AFFIDAVIT**

State of Indiana )

) ss:

Allen County )

**NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-97-10-12)**

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, Indiana, will conduct a public hearing on Tuesday, November 4, 1997, at 5:30 o'clock P.M., E.S.T. in the Common Council Conference Room 128, City-County Building, One Main street, Fort Wayne, Indiana, more particularly described as follows:

A 10 foot utility easement located between Lots 4 & 5 and to the rear of Lots 1,2,3,4,6,7,8 and 9 all in Usselman's Homestead Addition, Plat 16, book 145.  
All interested parties are invited to appear and be heard.

"Reasonable Accommodations" for person with a known disabling condition will be considered in accordance with the state and federal law. Any person needing a "Reasonable Accommodation" should notify public information office (219) 427-1120, TTY (219) 427-1200, at least seventy-two (72) hours prior to the meeting.

SANDRA E. KENNEDY  
CITY CLERK  
#625571

10-25

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/ she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time \_\_\_\_\_, the dates of publication being as follows:

10-25-97

*Julie L Smith*

Subscribed and sworn to before me this 25th day of OCT, 1997.

*Mary L Schneider*  
Notary Public

MARY L SCHNEIDER

NOTARY PUBLIC STATE OF INDIANA

ALLEN COUNTY

My commission expires:

MY COMMISSION EXP JUNE 14,2001



FW COMMON COUNCIL  
(Governmental Unit)To: The Journal-Gazette Dr.  
P.O. Box 100  
Fort Wayne, IN

ALLEN County, Indiana

## PUBLISHER'S CLAIM

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Date: OCT 25, 19 97Title: Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time 10-25-97, the dates of publication being as follows:

10-25-97Subscribed and sworn to before me this 25th day of OCT, 19 97.

Mary L Schneider  
Notary Public  
MARY L SCHNEIDER  
NOTARY PUBLIC STATE OF INDIANA  
ALLEN COUNTY

My commission expires:

MY COMMISSION EXP JUNE 14, 2001

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SANDRA E. KENNEDY  
CITY CLERK  
#625571

10-25